

(Rev. 4/30/2014 Search Warrant)

FILED IN CHAMBERS  
U.S.D.C ATLANTA

## United States District Court

Northern District of Georgia

Date: Jul 26 2024

KEVIN P. WEIMER, Clerk

By: s/Angela L. Smith

Deputy Clerk

APPLICATION & AFFIDAVIT  
FOR SEARCH WARRANT

CASE NUMBER: 1.24-MC-1448

UNDER SEAL

In the Matter of the Search of:

Certain Mortgage and/or Credit Inquiries related to Andrei  
Stephanovich between September 1, 2019, and February 28,  
2021 in the possession of Equifax Mortgage Services,  
Atlanta, Georgia

I, Special Agent Christian L. Parker, being duly sworn, depose and say:

I am a(n) Special Agent of the FBI, and have reason to believe that, on the property or premises known as  
Equifax Mortgage Services, 1550 Peachtree Street NW, Atlanta, Georgia 30309, as further described in Attachment A.  
There is now concealed certain property, certain data, and certain information, namely,

See Attachment B

which constitutes evidence of the commission of a criminal offense and property which has been used as the means of committing a  
criminal offense, concerning violations of Title 18, United States Code, Sections 554 and 371, and Title 13 United States Code, Section  
305, over which the United States District Court for the Northern District of Georgia has jurisdiction. The facts to support a finding of  
Probable Cause are as follows:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof.

☒ Yes ☐ NoSworn to me by telephone pursuant to Federal Rule of  
Criminal Procedure 4.1Signature of Affiant  
Special Agent Christian L. Parker

July 26, 2024

Date

at Atlanta, Georgia  
City and StateCATHERINE M. SALINAS  
UNITED STATES MAGISTRATE JUDGE

Name and Title of Judicial Officer

Signature of Judicial Officer

AUSA Brian Pearce /404-581-6081 /  
brian.pearce@usdoj.gov

**ATTACHMENT A****Property to Be Searched**

This warrant applies to all documentation related to mortgage and/or credit inquiries between September 1, 2019, and February 28, 2021, related to Andrei Stephanovich Borgheriu, that is stored at premises owned, maintained, controlled, or operated by Equifax Mortgage Services, a company located at 1550 Peachtree Street NW, Atlanta, Georgia 30309.

ATTACHMENT B  
Items to Be Seized

**Information to be disclosed by Equifax Mortgage Services, (the “Provider”)**

To the extent that the information described in Attachment A is within the possession, custody, or control of the Provider, including any emails, records, files, logs, or information that has been deleted but is still available to the Provider. The Provider is required to disclose the following information to the government for each account or identifier listed in Attachment A:

- a. The contents of all records associated with the account, including stored or preserved copies of communication sent to and from the account;
- b. All records pertaining to mortgage inquiries between September 1, 2019, and February 28, 2021, for Andrei Borgheriu;

**Information to be seized by the government**

All information described above in Section I that constitutes fruits, contraband, evidence and instrumentalities of violations of Title 18, United States Code, Sections 1343 and 287, relating to wire fraud and false, fictitious, or fraudulent claims.

I, Christian L. Parker, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I am submitting this affidavit in support of an application for a search warrant for information associated with mortgage inquiries by ANDREI STEPHANOVICH BORGHIERIU between September 1, 2019, and February 28, 2021, that is stored at premises controlled by Equifax Mortgage Services, 1550 Peachtree Street NW, Atlanta, Georgia 30309. This affidavit is made in support of an application for a search warrant under Federal Rule of Criminal Procedure 41 to require Equifax Mortgage Services to disclose to the government copies of the information further described in Attachment B.

2. I have been a Special Agent with the Federal Bureau of Investigation (“FBI”) since February 2004 and am currently assigned to the Seattle, Washington, FBI Field Office and specifically, to the Spokane, Washington, Resident Agency since July 2014. I was previously assigned to the FBI’s Dallas Field Office and the Human Resources Division and Criminal Investigative Division at FBI Headquarters. One of my primary responsibilities is the investigation of violations of federal criminal law including, but not limited to, bank fraud, mail fraud, wire fraud, investment fraud and money laundering. I am a Certified Public Accountant and receive annual continuing education training related to accounting. I also receive ongoing training on various white collar and other federal criminal matters through internal training provided by the FBI.

3. The statements contained in this affidavit are based on information from my participation in the investigation, my review of various reports from other law enforcement personnel, as well as my previously noted training and experience as a Special Agent.



4. I have not included each and every fact surrounding this investigation, but rather have set forth only the facts necessary: (1) to establish probable cause to believe that violations of Title 18 U.S.C. § 1343, Wire Fraud, and 18 U.S.C. §287, False, Fictitious, or Fraudulent Claims have been committed by ANDREI STEPHANOVICH BORGHERIU, and (2) to establish probable cause that evidence, fruits, and property intended for the use and used in those crimes will be found stored in the account, as more particularly described in Attachment A.

5. I seek to seize all evidence, fruits, and/or instrumentalities of the alleged violations, more fully described in Attachment B.

#### **FACTS SUPPORTING PROBABLE CAUSE**

6. The Economic Injury Disaster Loan (EIDL) program is a Small Business Administration (SBA) program providing low-interest financing to small businesses, renters, and homeowners affected by declared disasters. The Coronavirus Aid, Relief, and Economic Security (CARES) Act authorized the SBA to issue EIDLs (and additional advances of up to \$10,000) to small businesses within three days of applying for an EIDL. EIDLs must be repaid and are determined based upon the number of certified employees by the applicant. EIDL authorized advances do not have to be repaid.

7. To obtain an EIDL and/or an EIDL advance, qualifying businesses must submit an application to the SBA and provide information about business operations, such as the number of employees, gross revenues for the 12-month period preceding the disaster, and cost of goods sold in the 12-month period preceding the disaster; in the case of EIDLs for COVID-19 relief, the 12-month period preceding January 31, 2020. The applicant must also certify all application information submitted is true and correct to the best of the applicant's knowledge.

8. EIDL applications are submitted electronically to the SBA through servers in Colorado and processed by the agency with support from Rapid Finance.<sup>1</sup> The amount of an EIDL is determined based, in part, on information provided within the application about employment, revenue, and cost of goods, as described above. Any funds issued under an EIDL, or advance, are issued directly by the SBA. EIDL funds can be used for payroll expenses, sick leave, production costs, and business obligations, such as debts, rent, and mortgage payments. If the applicant also obtains a PPP loan, the EIDL funds cannot be used for the same purpose as the PPP funds.

9. The Office of Inspector General (OIG) for the SBA has direct access to EIDL data of which records may be used for the purpose of investigations relating to the EIDL Program and any resulting criminal, civil, or administrative proceedings.

10. A review of SBA and bank account records associated with ANDREI STEPHANOVICH BORGHERIU revealed that on or about August 9, 2021, ANDREI STEPHANOVICH BORGHERIU submitted one EIDL application to the SBA on behalf of his company, Artway Transport LLC. ANDREI STEPHANOVICH BORGHERIU was listed as the one hundred percent owner. On the application form, the applicant represented that Artway Transport LLC was established on May 18, 2018, and employed 2 individuals. On the application form, Artway Transport LLC Gross Revenues for 2019 were listed as \$271,236.

11. Based on the information provided in the EIDL application, the loan was approved on or about August 12, 2021, and resulted in loan number 1397459103 in the amount of \$499,900. On August 16, 2021, the SBA disbursed \$499,900 into the Artway Transport LLC Bank of America bank account ending in -2612 (routing

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<sup>1</sup> Rapid Finance is a third-party government contracted company managing the EIDL program.

number 125000024). Prior to the wire transfer, the account contained about \$3,100.00.

12. On August 17, 2021, a realtor contacted Ticor Title to discuss the cash sale of 1710 Sunshine Avenue, West Richland, WA 99353 (hereinafter “the property”) for a sales price of \$450,000. On August 18, 2021, Ticor Title opened an order for the purchase of the property by ANDREI STEPHANOVICH BORGHERIU. A review of bank account records revealed that on September 1, 2021, ANDREI STEPHANOVICH BORGHERIU, sent a wire transfer from the Artway Transport LLC Bank of America account ending in -2612 to Ticor Title in the amount of \$450,282.73 for the purchase of the property in the name of ANDREI BORGHERIU.

13. In the Loan Authorization and Agreement required for disbursement of EIDL Application No. 3321927753, ANDREI STEPHANOVICH BORGHERIU certified that he would use the proceeds of the loan solely as working capital to alleviate economic injury. This representation by ANDREI STEPHANOVICH BORGHERIU was materially false and he knew it was false at the time he made this representation. Instead of using the EIDL funds for permissible purpose, ANDREI STEPHANOVICH BORGHERIU used the EIDL funds to purchase a residential property. ANDREI STEPHANOVICH BORGHERIU was indicted by a Federal Grand Jury in the Eastern District of Washington on September 8, 2022, and charged with two counts of Title 18 U.S.C. § 1343, Wire Fraud; and one count of 18 U.S.C. §287, False, Fictitious, or Fraudulent Claims in relation to misuse of EIDL funding. ANDREI STEPHANOVICH BORGHERIU is currently set for trial in this matter beginning on October 7, 2024.

14. ANDREI STEPHANOVICH BORGHERIU began renting the property from Nikica Lacic in about July 2018. In about February 2021, Nikica Lacic told ANDREI STEPHANOVICH BORGHERIU that he was considering selling the



property. ANDREI STEPHANOVICH BORGHERIU told Nikica Lacic he was interested in purchasing the property, but he needed to look for financing. The next time Nikica Lacic heard from ANDREI STEPHANOVICH BORGHERIU was in August 2021, when ANDREI STEPHANOVICH BORGHERIU told Nikica Lacic that he wanted to purchase the property. This corresponds with the SBA approving and disbursing funds for the Artway Transport LLC EIDL.

15. A review of ANDREI STEPHANOVICH BORGHERIU's credit report shows credit inquiries to Equifax Mortgage Services on September 13, 2019, and again on February 24, 2021. Based upon Nikica Lacic's statements, I submit there is probable cause to believe ANDREI STEPHANOVICH BORGHERIU attempted to acquire financing to purchase the property. An unfavorable mortgage loan decision would have been motivation to apply for and misuse EIDL funding. I further submit there is probable cause to believe that the credit inquiries submitted to Equifax Mortgage Services were from companies through whom ANDREI STEPHANOVICH BORGHERIU was attempting to obtain financing for the property. Records maintained by Equifax will identify the companies that submitted the inquiries. Identifying those companies will enable the United States to seek further records about any previous attempts ANDREI STEPHANOVICH BORGHERIU made to obtain financing to purchase the property.

### **CONCLUSION**

16. Based on the foregoing, your Affiant submits there is probable cause to believe violations of Title 18 U.S.C. § 1343, Wire Fraud; and 18 U.S.C. §287, False, Fictitious, or Fraudulent Claims, have been committed and that evidence, fruits and instrumentalities of these offenses, more fully described in Attachment B, are located in the records maintained by Equifax Mortgage Services. Because the warrant will be served on Equifax Mortgage Services, who will then compile the requested records



at a time convenient to it, reasonable cause exists to permit the execution of the requested warrant at any time, day or night.

**ATTACHMENT A****Property to Be Searched**

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## ATTACHMENT B

### Items to Be Seized

#### **Information to be disclosed by Equifax Mortgage Services, (the “Provider”)**

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- b. All records pertaining to mortgage inquiries between September 1, 2019, and February 28, 2021, for Andrei Borgheriu;

#### **Information to be seized by the government**

All information described above in Section I that constitutes fruits, contraband, evidence and instrumentalities of violations of Title 18, United States Code, Sections 1343 and 287, relating to wire fraud and false, fictitious, or fraudulent claims.



(Rev. 4/30/2014) Search Warrant

**United States District Court**

Northern District of Georgia

In the Matter of the Search of:

Certain Mortgage and/or Credit Inquiries related to Andrei  
Stephanovich between September 1, 2019, and February 28,  
2021 in the possession of Equifax Mortgage Services,  
Atlanta, Georgia

**SEARCH WARRANT**

CASE NUMBER: 1.24-MC-1448

**UNDER SEAL**

TO: FBI Special Agent Christian Parker and any Authorized Officer of the United States:

An affidavit having been made before me by Special Agent Special Agent Christian L. Parker, who has reason to believe that, on the  
property or premises known as

Equifax Mortgage Services, 1550 Peachtree Street NW, Atlanta, Georgia 30309, as further described in Attachment A

There is now concealed certain property, certain data, and certain information, namely,

Certain Mortgage and/or Credit Inquiries related to Andrei Stephanovich between September 1, 2019, and February 28, 2021

**See Attachment B**

which constitutes evidence of the commission of a criminal offense and property which has been used as the means of committing a  
criminal offense, concerning violations of Title 18, United States Code, Sections 554 and 371, and Title 13 United States Code, Section  
305, over which the United States District Court for the Northern District of Georgia has jurisdiction. I find that the affidavit establishes  
probable cause to search and seize the person or property from the person or premises described above.

YOU ARE HEREBY COMMANDED to execute this warrant on or before August 9, 2024  
Date

(not to exceed 14 days) AT ANY TIME IN THE DAY OR NIGHT AS I FIND GOOD CAUSE HAS BEEN ESTABLISHED. You must  
give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was  
taken, or leave a copy of the warrant and receipt at the place where the property was taken. The officer executing the warrant, or an  
officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant  
and inventory to United States Magistrate Judge Justin S. Anand.

July 26, 2024, 2024 at 4:32 p.m.  
Date and Time

at Atlanta, Georgia  
City and State

CATHERINE M. SALINAS  
UNITED STATES MAGISTRATE JUDGE  
Name and Title of Judicial Officer



Signature of Judicial Officer  
Issued pursuant to Federal Rule of Criminal Procedure 4.1.



AUSA Brian Pearce /404-581-6081 /  
brian.pearce@usdoj.gov

## RETURN

Case No: 1.24-MC-1448

Date and time warrant executed:

Copy of warrant and inventory left with:

Inventory made in the presence of

A list of property/information/data/person(s) seized:

## CERTIFICATION

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date \_\_\_\_\_

\_\_\_\_\_  
Executing officer's signature

Printed name and title